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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,415	04/26/2000	Mirosław Z. Bober	0054-0205P-SP	1497

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EXAMINER

TO, BAOQUOC N

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,415

Applicant(s)

BOBER, MIROSLAW Z.

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In response to the preliminary amendment filed on April 26, 2002. Claims 16 and 17 are canceled and claims 1-15 are remained in the application.
2. Claims 1-15 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-15 rejected under 35 U.S.C. 102(e) as being anticipated by Rioux et al. (US. Patent No. 6,016,487).

Regarding on claims 1 and 12-15, Rioux teaches a method of representing an object appearing in still or video image, wherein the object appears in the image with a first two-dimensional outline, by processing signals corresponding to the image, the method comprising deriving a view descriptor of the first outline of the object [col. 5, lines 44-48] and deriving (cut) at least one additional view descriptor of the outline of the object in a different view [col. 5, lines 48-57], and associating the two or more view descriptors to form an object descriptor [col. 5, lines 48-57].

Regarding on claim 2, Rioux teaches descriptor are derive using a curvature scale space representation [col. 5, lines 64-66].

Regarding on claim 3, Rioux teaches deriving a descriptor of the object which is related to the shape and/or size of the object and which is independent of the view of the object in the image [col. 5, lines 63-67].

Regarding on claim 4, Rioux teaches a method of representing an object appearing in a still or video image comprising deriving a descriptor which is related to the shape and/or size of the object and which is independent of the view of the object in the image [col. 5, lines 48-57].

Regarding on claim 5, Rioux teaches view-independent descriptor corresponds to the volume of the object [col. 6, lines 37-40].

Regarding on claim 6, Rioux teaches a method of searching for an object in still or video images by processing signals corresponding to images, the method comprising input a query to the computer in the form of at least one two-dimensional outline (three dimension) of an object [col. 5, lines 49-57], deriving a descriptor of the query object [col. 5, lines 49-50], comparing said query descriptor with stored descriptors for object in images derived in accordance with a method as claimed in claim1 and selecting and displaying at least one result corresponding to an image containing an object for which the comparison between the respective descriptor and the query descriptor indicates a degree of similarity between the query and said object[col. 6, lines 3-16].

Regarding on claim 7, Rioux teaches a query is input in the form of two or more two-dimension outlines of an object, and wherein a query view descriptor is derived for each said outline, and wherein the step of comparing comprises comparing each said query view descriptor with each view descriptor in each stored object descriptor to derive a plurality of view-similarity values [col. 9, lines 35-39].

Regarding on claim 8, Rioux teaches the view-similarity values are analyzed to derive object similarity values [col. 9, lines 40-56].

Regarding on claim 9, Rioux teaches at least some of the object descriptor include the derived view-independent descriptors and wherein the method comprises

inputting a view-independent query value and the step of comparing compares the query value with the view-independent descriptors for the stored object descriptors [col. 6, lines 3-17].

Regarding o claim 10, Rioux teaches the query descriptor is derived using curvature scale space representation of the query object outline [col. 8, lines 13-45].

Regarding on claim 11, Rioux teaches a method of representing an object appearing in a image by processing signals corresponding to said image, the method comprising deriving representations of a plurality of different 2-dimensional (3 dimensional view) views-corresponding to the object [col. 5, lines 44-57].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is
assigned are as follow:

- (703) 746-7238 [After Final Communication]}
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Baoquoc N. To

July 11, 2002